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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

## SURGICAL INSTRUMENT SERVICE COMPANY, INC.,

., Plaintiff,

V.

**INTUITIVE SURGICAL, INC.,  
*Defendant.***

Case No.: 3:21-cv-03496-AMO-LB

**JOINT RESPONSE TO THE COURT'S  
ORDER REGARDING SEALING OF  
TESTIMONY AT TRIAL**

Judge: The Honorable Araceli Martínez-Olguín

1 Plaintiff Surgical Instrument Service Company, Inc. (“SIS”), and Defendant Intuitive  
 2 Surgical, Inc. (“Intuitive”) (collectively, the “Parties”) respectfully submit this response to the Court’s  
 3 instruction that the Parties submit by December 6, 2024, any administrative motion to seal witness  
 4 testimony at trial. *See* Dkt. 316.

5 Counsel for SIS and Intuitive have conferred and agree that neither Party presently  
 6 intends to seek to seal at trial testimony from any SIS or Intuitive witness.

7 The Parties note that certain non-parties have designated as “Confidential” or “Highly  
 8 Confidential-AEO” under the Protective Order, Dkt. 78 (as modified by Dkt. 107), documents that are  
 9 listed on the Parties’ Trial Exhibit List or testimony that may be played by deposition at trial  
 10 (collectively, “Non-Party Confidential Material”). Counsel for SIS and Intuitive have conferred and  
 11 agreed on a process for contacting non-parties regarding the need for sealing of any such Non-Party  
 12 Confidential Material at trial. The Parties will file, pursuant to Civil Local Rule 79-5(f), an  
 13 Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed if any non-  
 14 party indicates that it wishes to seal any Non-Party Confidential Material at trial.

15  
 16 Dated: December 6, 2024

By: /s/ Richard T. McCaulley  
 17 Richard T. McCaulley (*pro hac vice*)

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 25 *Attorneys for Plaintiff Surgical Instrument  
 Service Company, Inc.*

1 Dated: December 6, 2024

By: /s/ Kenneth A. Gallo

2 Kenneth A. Gallo

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E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

/s/ Kenneth A. Gallo